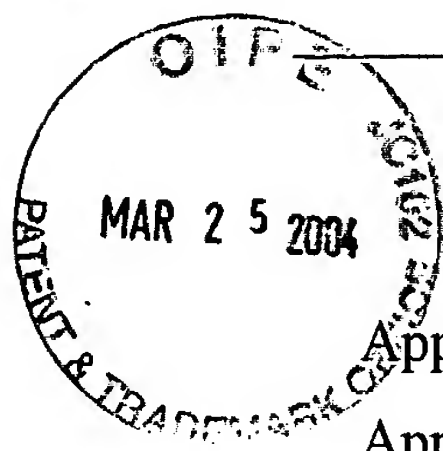


*Image*  
Docket No.: ELITRA.010A

Customer No.: 20,995



**AMENDMENT / RESPONSE TRANSMITTAL**

Applicant : Haselbeck et al.  
App. No. : 10/032,393  
Filed : December 21, 2001  
For : BACTERIAL PROMOTERS  
AND METHODS OF USE  
Examiner : N. Vogel  
Art Unit : 1636

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 22, 2004

(Date)

*Jerry L. Heffner*  
Jerry L. Heffner, Reg. No. 53,009

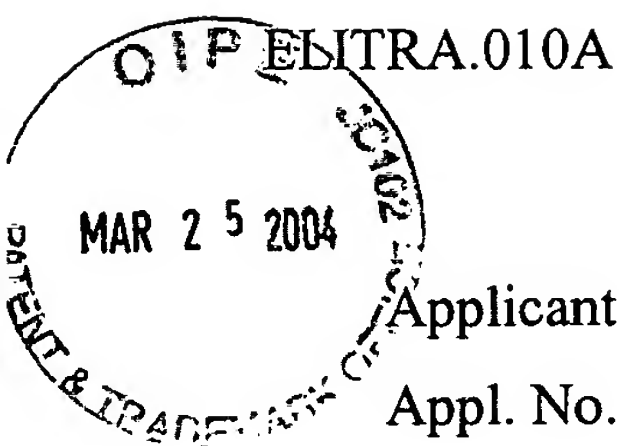
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Restriction Requirement in 2 pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

*Jerry L. Heffner*  
Jerry L. Heffner  
Registration No. 53,009  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Haselbeck, et al.  
Appl. No. : 10/032,393  
Filed : December 21, 2001  
For : BACTERIAL PROMOTERS AND  
METHODS OF USE  
Examiner : Nancy S. Vogel  
Group Art Unit : 1636

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Restriction Requirement mailed on February 25, 2004; in connection with the above-identified application. Applicants elect the claims of Group I without traverse. Additionally, in response to the Examiner's election of species requirement, Applicants elect SEQ ID NO: 36 as the promoter sequence, *xyiO* as the operator sequence and *Staphylococcus aureus* as the organism.

**Remarks/Arguments** begin on page 2 of this paper.